IN RE:

PETITION FOR VARIANCE

W/S Snyder Lane, 395' N of

the c/l of Joppa Road (9117 Snyder Lane) 11th Election District

5th Councilmanic District

Louis Thomas, et al

Petitioners

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 95-85-A

\*

\* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 9117 Snyder Lane, located in the vicinity of Perry Hall in eastern Baltimore County. The Petition was filed by the owners of the property, Louis Thomas, Ellen Thomas, and Salma Siddique. The Petitioners seek relief from Sections 1B01.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 10 feet in lieu of the minimum required 25 feet and to permit a front yard setback of 4 feet in lieu of the required front average of 31 feet for proposed dwellings on proposed Lots 1 and 2. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Louis Thomas, Ellen Thomas, and Salma Saddique, property owners. Also appearing on behalf of the Petitioners was Michael K. Smith, Registered Property Line Surveyor. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.99 acres zoned D.R. 5.5 and is improved with an abandoned dwelling. The Petitioners are desirous of subdividing the property to create two separate building lots, each of which are proposed for development with a single family dwelling. It is to be noted that

ORDER RECEIVED FOR FILING Date

By

MICROFILMED

ORDER RECEIVED FOR FILING
Date //////

this property straddles the 60-foot right-of-way for Snyder Lane. The existing dwelling, which is located within this right-of-way, will be razed. As indicated on Petitioner's Exhibit 1, proposed Lot 1 would consist of 0.21 acres, proposed Lot 2 would contain 0.50 acres, and the right-of-way area would comprise 0.28 acres. Due to the unusual configuration of this property, and the existence of a forest buffer easement on the west side and the road right-of-way virtually through its center, the requested variances are necessary in order to develop the lots as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land. In addition, the relief requested

will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Balti-ance seeking relief from Sections 1B01.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 10 feet in lieu of the minimum required 25 feet and a front yard setback of 4 feet in lieu of the required front average of 31 feet for a proposed dwelling on proposed Lots 1 and 2, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- Compliance with all Zoning Plans Advisory Commit-2) tee comments.
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING

MAN PROPERTY OF THE PARTY OF TH



# ition for Vari

to the Zoning Commissioner of Baltimor

for the property located at

9117 SNYDER

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1, 303.1

To allow a front yard setback of 10 feet in lieu of the minimum required 25 feet (for a proposed dwelling) on Lot #1 AND To allow a front yard setback of 4 feet in lieu of the required front average of 31 feet (for an existing dwelling) on proposed Lot #2 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

- Existing dwelling is abandoned and a public musuace.

- Proposed Lot 2 is encumbered by Govet Buffer Easement area.

- Proposed location of new dwelling on proposed Lat I creates minimal problems with zoning regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	Contract Purchaser/Lassee:			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.  Legal Owner(s)
	(Typę or Print Name)			LOUIS THOMAS, ELLEN THOMAS DALMA SIDDIQUE
	Signature			Signature Thomas
	Address			(Type or Print Name)
	City  Attorney for Petitioner:	State	Zipcode	Signature
-	(Type or Print Name)		<u>-</u>	Address Phone No
FILING	Sgnature			City State Zipcode Name, Address and phone number of representative to be contacted.
SA FI	Actiess	Phone No.		MICHAEL K. SMITH  Name  P. D. BOX 5614, BALTO. 435-0800
VED /		State	Zipcode	OFFICE USE ONLY
ECE!			Agricus Administration of	ESTIMATED LENGTH OF HEARING unavailable for Hearing the following dates  Next Two Marks
RDER RECE	Printed with Soybean Ink on Recycled Paper			ALLOTHERDATE 9-2-94
Ĉ.	Date By		Pilot Herr	MICROFILME

# BPS / land technology, inc.

95-85-A

#### Engineers & Surveyors

P.O. Box 5614 • Baltimore, MD 21210 • (301) 435-0800

# ZONING DESCRIPTION FOR 9117 SNYDER LANE

Election District 11 Councilmanic District 5

Beginning at a point on the west side of Snyder Lane which has 17 feet of paving width and is a distance of 395 feet north of the centerline of Joppa Road, thence

- 1. N. 43 degrees 35 minutes 43 seconds E. 88.21 ft.
- 2. N. 60 degrees 33 minutes 04 seconds W. 88.83 ft.
- 3. N. 03 degrees 58 minutes 11 seconds W. 204.99 ft.
- 4. S. 56 degrees 23 minutes 46 seconds E. 252.34 ft.
- 5. S. 08 degrees 30 minutes 07 seconds W. 201.40 ft.
- 6. N. 79 degrees 51 minutes 06 seconds W. 152.05 ft. to the point of beginning.



84

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 93-85-14

Towsen, Maryland

District	Date of Posting 2/19/94
Posted for: Verience  Posted for: Lovis Afflor Thromas & Se	
Petitioner: 10 vis Afflor Thromas & Sa Location of property: 9117 Sny day fores	i W/s
Location of Signs: Facing 1000 day on pr	w party Soing zoned
Remarks:	
Posted by Signature Number of Signat	Date of return: 9/23/94
Number of Signs:	MICKOLISTIA



#### NOTICE OF HEARING

The Zoning Commissioner of Battimere County, by surficility of the Zoning Act and Regulations of Battimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 11 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 16 GHz Courthouse, 400 Washington 21204 as follows:

Case Number:
95-95-A (tern 84)
9117 Anvier Lane
WS Snyder Lane, 395'
N of o'l Jopps Road
11th Election District
5th Councilmanic
Petitioner(s):
Louis Thomas &
Ellen Thomas and
Salma Siddique
HEARING: THURSDAY,
OCTOBER 6, 1994 at 9:00
a.m. in Rm. 118, Old
Counthouse.

Variance: to allow a front yard setback of 10 feet in lieu of the minimum required 25 feet (for a proposed dwelling) on Lot #1; and to allow a front yard setback of # feet in lieu of the required front average of 31 feet (for an existing dwelling) on proposed lot #2.

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baittmore County NOTES: (1) Hearings are Handloapped societable; for special socommodations Please Call 887-3353.

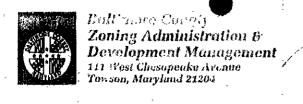
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

9/211 September 15.

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 915, 1914
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on
A. Henrilesan LEGAL AD. TOWSON

**建筑、高速、地位** 



Account: R-001-6150 II Pr Number 84

TOLON IN BY

Owner Thomas, LI 5.te: 9117 Suyder La,

MICROFILMED

Res: Var. filing fee - parcel (2 lots) & 50. En

25,9157 1057 1ng 1035. 2006

j'qiiooon\_

To tal \$ 170 00

DIADIROSSBATCHRC

\$170.00 BA COLL:29AM09-02-94 Please Make Checks Payable To: Baltimore County

Cashier Validation

Date 9-2-94

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

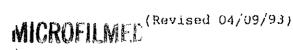
#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

##
For newspaper advertising:
Item No.: 8#
Petitioner: Muhan K CH
Location: 9117 Inyder Lane
PLEASE FORWARD ADVERTISING BILL TO:
NAME: SALMA SIDDIQUE
ADDRESS: P.O. BOX 451
PERRY HALL MO- 21128
PHONE NUMBER: 256-1349.

AJ:ggs





Item Number: Planner: Date Filed:

# PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. unnecessary additional expenses may be avoided by correcting the petition to the proper form.

	Need an attorney  The following information is missing:  Descriptions, including accurate beginning point  Actual address of property
	Zoning
	Accepted
	submitted)
	200 scale zoning map with property outlined
	Election district
	Councilmanic district
	BCZR section information and/or wording
	Hardship/practical difficulty information  Owner's signature (need minimum 1 original signature) and/ex
	printed name and/er address and/or address Contract purchaser's signature (need minimum 1 original
	, I i i wi w   OYI(I   DA   DEUI) G G G G G G G G G G G G G G G G G G G
	Signature (need minimum 1 original assigning for legal printed name and/or title of person signing for legal
	power of attorney or authorization for person significant
	and/or printed name and/or address and/or incorrect Notary Public's section is incomplete and/or incorrect
	and/or commission has expired
	* 3 LEGAL OWNERS LISTED - ONLY
	* 3 LEGAL OWPURS MISTER
PET-FLAG ('	TO THE TITION FORM

PET-FLAG (TXTSOPH) 11/17/93

MICRIFILMED

#### Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

September 12, 1994

(410) 887-3353

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-85-A (Item 84)

9117 Snyder Lane

W/S Snyder Lane, 395' N of c/l Joppa Road 11th Election District - 5th Councilmanic

Petitioner(s): Louis Thomas & Ellen Thomas and Salma Siddique

HEARING: THURSDAY, OCTOBER 6, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow a front yard setback of 10 feet in lieu of the minimum required 25 feet (for a proposed dwelling) on Lot #1; and to allow a front yard setback of 4 feet in lieu of the required front average of 31 feet (for an existing dwelling) on proposed lot #2.

Arnold Jablon

Director

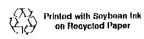
cc: Michael K. Smith

Salma Siddique

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

**等于我并被通过** 





111 West Chesapeake. Avenue Towson, MD 21204

(410) 887-3353

Michael K. Smith P.O. Box 5614 Baltimore, Maryland 21210

> RE: Item No. 84, Case No. 95-85A Petitioner: E.Thomas,L.Thomas,S.Siddique

> > SEP. 28 1994

Dear Dear Mr. Smith:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 2, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

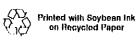
- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Wery (rdly yours / Victorial )

W. Carl Richards, Jr. Zoning Supervisor

· Shiting in

₩CR:jaw





O. James Lighthizer Secretary Hal Kassoff Administrator

9-9-94

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Baltimore County
Item No.: \$\dagger 84 (JJ5) Re:

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey, Acting Chief Engineering Access Permits

Division

BS/

My telephone number is -

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street . Baltimore, Maryland 21202 MICROFILMEL

#### Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 09/09/94

Arnold Jabion Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

#### Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 82.83,84,85 AND 86.

ZAUW

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, M3-1102F

oc: File

Printed on Recycled Paper

WHOME IN MICH.

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director

Office of Planning and Zoning

DATE: September 15, 1994

SUBJECT: 9117 Snyder Lane

**INFORMATION:** 

Item Number:

84

Petitioner:

Thomas/Siddigue

Property Size:

Zoning:

D.R. 5.5

Requested Action:

Hearing Date:

## SUMMARY OF RECOMMENDATIONS:

This parcel is part of the one situated immediately to the south. While this property may still be subdivided it will, however, have to progress through the Development Plan Review Process.

Prepared by:

Division Chief:

PK/JL:lw

William Comment

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 19, 1994 Zoning Administration and Development Management

Robert W. Bowling, P.E., Chief Developers Engineering Section

RE:

Zoning Advisory Committee Meeting for September 19, 1994 Item No. 84

The Developers Engineering Section has reviewed the subject zoning item. See comments, dated September 6, 1994 from this office for Minor Subdivision Project No. 94163M, 9117 Snyder Lane, Parcel 279, addressing the building setback requirements along the 100-year flood plain.

RWB:aw

MA DOWN

BALTIMORE COUNTY, MARYLAND

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

September 22, 1994

T0:

Mr. Arnold Jablon, Director Zoning Administration and Development Management

FROM:

J. Lawrence Pilson

Development Coordinator, DEPRM

SUBJECT:

Zoning Item/#84 ) Thomas Property

9117 Snyder Lang

Zoning Advisory Committee Meeting of September 12, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

#### Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains and Forest Conservation Regulations.

JLP:KK:sp

THOMAS/DEPRM/TXTSBP

SEP. 28 1984

RE: PETITION FOR VARIANCE 9117 Snyder Lane, W/S Snyder Lane, 395' N of c/l Joppa Road, 11th Election Dist., 5th Councilmanic

Louis & Ellen Thomas, et al. Petitioners BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 95-85-A

\* \* \* \* \* \* \* \* \* \* \*

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

vole S. Demilio

eter Maro Timmerman

ter Mar ammerman

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael K. Smith, P. O. Box 5614, Baltimore, MD 21210, representative for Petitioners.

PETER MAX ZIMMERMAN

#### PLEASE PRINT CLEARLY

#### PETITIONER(S) SIGN-IN SHEET

MAME Michael & South	BPS/land technology, inc. PD. BOX 5614 BALTO 21218
Eller Thomas Town from on	301chyce "
Υ.	
	جود نور و به اور در در استان و در استان و رستان و رستان و در در استان و در در استان و در در استان و در در استا در در در در در در در در در استان و در استان و در استان و در در در در در در در در استان و در

#### Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

October 31, 1994

Mr. Louis Thomas 3 Vicky Court Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE
W/S Snyder Lane, 395' N of the c/l of Joppa Road
(9117 Snyder Lane)
11th Election District - 5th Councilmanic District
Louis Thomas, et al - Petitioners
Case No. 95-85-A

Dear Mr. Thomas:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

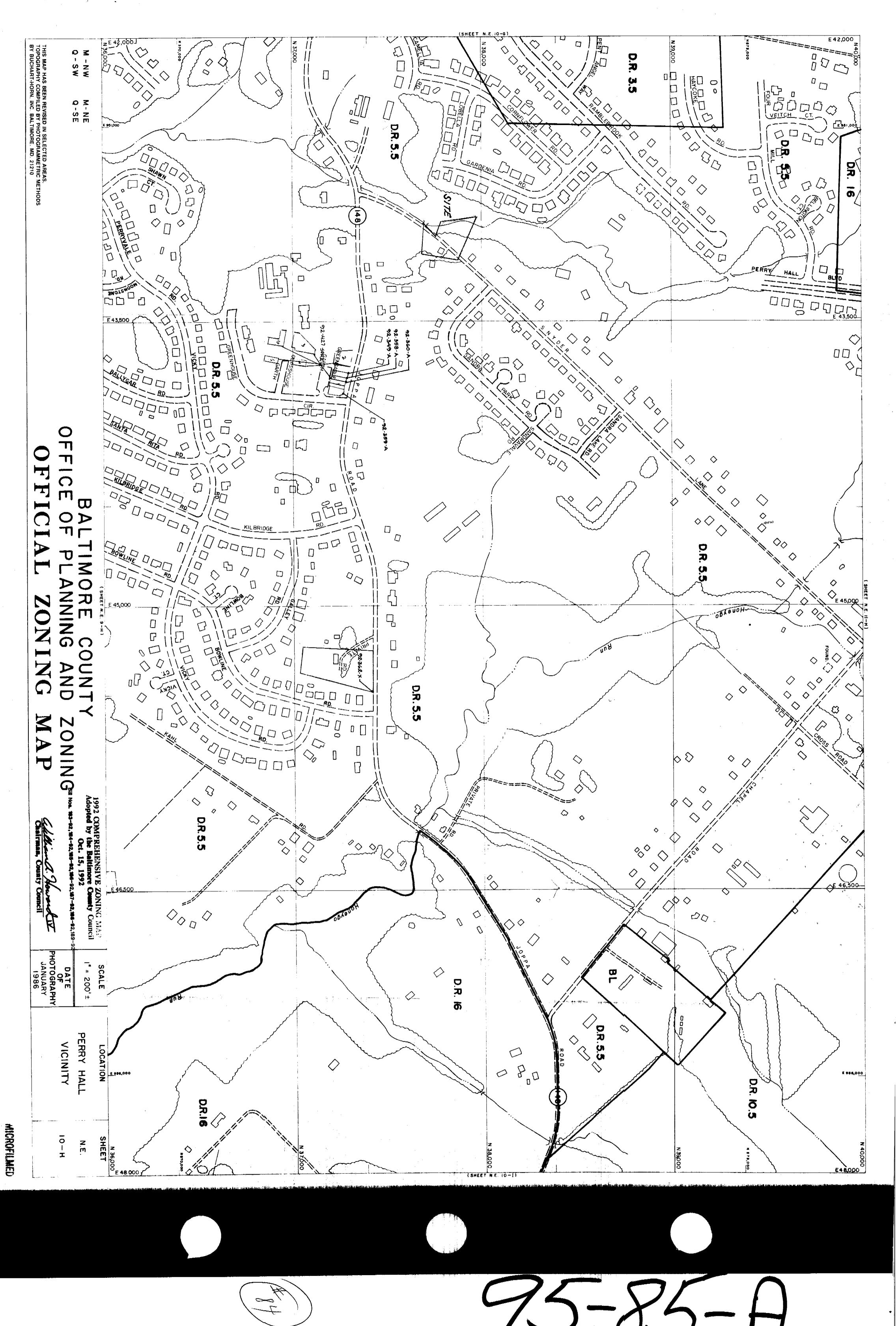
LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

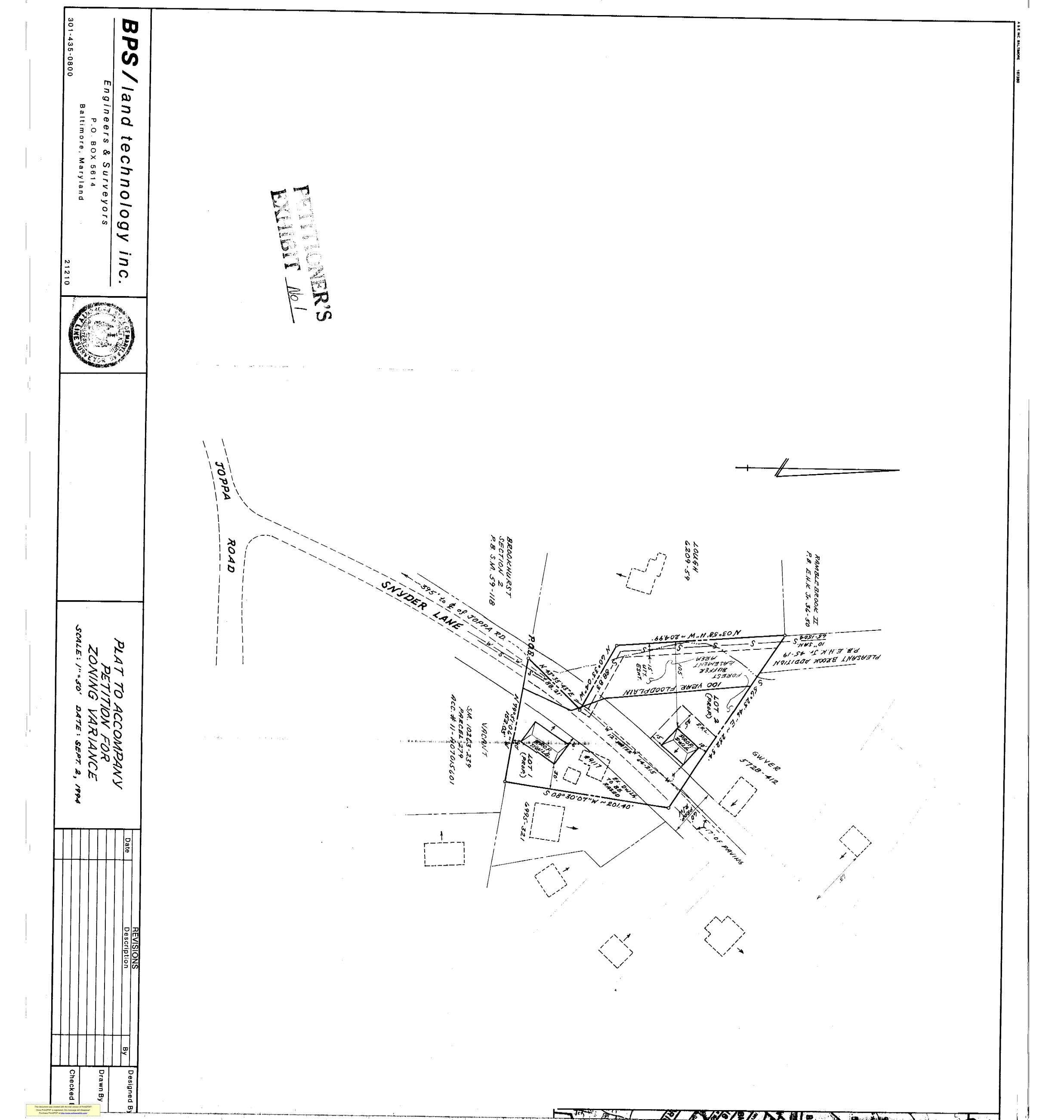
cc: Mr. Michael K. Smith
P.O. Box 5614, Baltimore, Md. 21210

People's Counsel

File



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PETITION FOR VARIANCE W/S Snyder Lane, 395' N of the c/l of Joppa Road (9117 Snyder Lane) 11th Election District 5th Councilmanic District

Louis Thomas, et al Petitioners

\* BEFORE THE

\* ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 95-85-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 9117 Snyder Lane, located in the vicinity of Perry Hall in eastern Baltimore County. The Petition was filed by the owners of the property, Louis Thomas, Ellen Thomas, and Salma Siddique. The Petitioners seek relief from Sections 1801.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 10 feet in lieu of the minimum required 25 feet and to permit a front yard setback of 4 feet in lieu of the required front average of 31 feet for proposed dwellings on proposed Lots 1 and 2. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

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Testimony and evidence offered revealed that the subject property consists of a gross area of 0.99 acres zoned D.R. 5.5 and is improved with an abandoned dwelling. The Petitioners are desirous of subdividing the property to create two separate building lots, each of which are proposed for development with a single family dwelling. It is to be noted that

this property straddles the 60-foot right-of-way for Snyder Lane. The existing dwelling, which is located within this right-of-way, will be razed. As indicated on Petitioner's Exhibit 1, proposed Lot 1 would consist of 0.21 acres, proposed Lot 2 would contain 0.50 acres, and the right-of-way area would comprise 0.28 acres. Due to the unusual configuration of this property, and the existence of a forest buffer easement on the west side and the road right-of-way virtually through its center, the requested variances are necessary in order to develop the lots as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30 day of October, 1994 that the Petition for Variance seeking relief from Sections 1B01.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 10 feet in lieu of the minimum required 25 feet and a front yard setback of 4 feet in lieu of the required front average of 31 feet for a proposed dwelling on proposed Lots 1 and 2, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with all Zoning Plans Advisory Committee comments.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-85-19

District //th Posted for: Variance	Date of Posting 9/19/94
Petitioner: 10 vis 4 Fllon Thromas & Location of property: 9117 Say dor h	Salmo Si Stigue
Location of Signs: Facing 1000 alog 0	n pro party being zomed
Remarks:	
Posted by Signature	Date of return: 9/23/94

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive 

THE JEFFERSONIAN.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

October 31, 1994

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

Mr. Louis Thomas

3 Vicky Court

(410) 887-4386

Baltimore, Maryland 21236 RE: PETITION FOR VARIANCE W/S Snyder Lane, 395' N of the c/l of Joppa Road (9117 Snyder Lane) 11th Election District - 5th Councilmanic District Louis Thomas, et al - Petitioners

Dear Mr. Thomas:

Case No. 95-85-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

cc: Mr. Michael K. Smith P.O. Box 5614, Baltimore, Md. 21210

People's Counsel

Printed with Soybean Ink

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 9117 SNYDER LANE
which is presently zoned D.R. 5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1, 303.1 To allow a front yard setback of 10 feet in lieu of the minimum required 25 feet

(for a proposed dwelling) on Lot #1 AND To allow a front yard setback of 4 feet in lieu of the required front average of 31 feet (for an existing dwelling) on proposed Lot #2 proposed Lot #2 of the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or - Edisting develling is abundered and a public makeunce.

- Proposed Let 2 is somewhere by Frest Roppin Ensement area. Proposed location of new dwelling on proposed Lat I erectes minimal

Property is to be posted and advertised as prescribed by Zoning Regulations. t, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	State	Zipcode	P. O. BOX 5614, B	19670. 435-086
iress	Phone	No	MICHAEL K SMI;	ГН
nature		119 84-1-1 /	City Name, Address and phone number of repres	State Zipcode entative to be contacted.
				Phone No
rpe or Print Name)	P difference P to by up, at a course page.		Address	
orney for Petitioner:		•	a. B. ray h. a.	
y	State	Zipcode	Signature	
			(Type or Print Name)	
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gnature			Signature Clan Em	ones
			(Type or Print Namo)	gme u-
ype or Print Name)			LOUIS THOMAS, ELLEN THOMAS	S-DALMA SII
ontract Purchaser/Lessee;			Legal Owner(s)	
			I/We do solemnly declare and affirm, unde legal owner(s) of the property which is the s	ubject of this Petition

Development Management Owner: Thomas, L. 5.te: 9117 Snyder La, 1 010 - Res. Var. filing fel-1 purced

(2 10ta) 6 50. = > -#080 \_\_\_\_ 25.4 nst 105ting 1035. = 201

01A01W0268MICHRC \$170.00

BPS/land technology, inc. 95-85-A

Michael K. Smith, P.L.S.

**Engineers & Surveyors** P.O. Box 5614 • Baltimore, MD 21210 • (301) 435-0800

> ZONING DESCRIPTION FOR 9117 SNYDER LANE

Election District 11 Councilmanic District 5

Beginning at a point on the west side of Snyder Lane which has 17 feet of paving width and is a distance of 395 feet north of the centerline of Joppa Road, thence

1. N. 43 degrees 35 minutes 43 seconds E. - 88.21 ft. 2. N. 60 degrees 33 minutes 04 seconds W. - 88.83 ft.

3. N. 03 degrees 58 minutes 11 seconds W. - 204.99 ft.

Sylvester H. O'Grinc, P.E.

4. S. 56 degrees 23 minutes 46 seconds E. - 252.34 ft. 5. S. 08 degrees 30 minutes 07 seconds W. - 201.40 ft.

6. N. 79 degrees 51 minutes 06 seconds W. - 152.05 ft. to the point of beginning.

HEE West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

newspaper of general circulation in the County. This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

a sign on the property and placement of a notice in at least one

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD JABLON,	DIRECTOR
For newspaper advertising:		
Item No.: 8 #		
Petitioner: Mahalk CH		
Location: 901 Sunda Lan		
PLEASE FORWARD ADVERTISING BILL TO:		
NAME: SOLLIO STADILOVE		
ADDRESS: 77/2 PAR 45/		
	177.28°	
	V128	

(Revised 04/09/93)

Item Number: Planner:

Date Filed:

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

The following information is missing: Descriptions, including accurate beginning point Actual address of property

Zoning Acreage Plats (need 12, only \_\_\_\_ submitted)
200 scale zoning map with property outlined Election district Councilmanic district BCZR section information and/or wording Hardship/practical difficulty information Owner's signature (need minimum 1 original signature) and/ex printed name and/or address and/or telephone number \* Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser

Power of attorney or authorization for person signing for legal owner and/or contract purchaser Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH) 11/17/93

\* 3 LEGAL OWNERS LISTED - ONLY
2 SIGNED PETITION FORM

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

September 12, 1994

111 West Chesapeake Avenue

l'owson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-85-A (Item 84)

9117 Snøder Lane W/S Snyder Lane, 395' N of c/l Joppa Road 11th Election District - 5th Councilmanic Petitioner(s): Louis Thomas & Ellen Thomas and Salma Siddique HEARING: THURSDAY, OCTOBER 6, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow a front yard setback of 10 feet in lieu of the minimum required 25 feet (for a proposed dwelling) on Lot #1; and to allow a front yard setback of 4 feet in lieu of the required front average of 31 feet (for an existing dwelling) on proposed lot #2.

cc: Michael K. Smith Salma Siddique

Printed with Soybean Ink

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEARE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

**Baltimore County Government** Office of Zoning Administration and Development Management



(410) 887-3353

Michael K. Smith P.O. Box 5614 Baltimore, Maryland 21210

> RE: Item No. 84, Case No. 95-85A Petitioner: E.Thomas, L.Thomas, S.Siddique

Dear Dear Mr. Smith:

111 West Chesapeake. Avenue

Towson, MD 21204

SEP. 28 1994

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 2, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee

W. Carl Richards, Jr. Zoning Supervisor

Printed with Soybean Ink



Maryland Department of Transportation State Highway Administration

PHONE NUMBER: 2864 1349 •

O. James Lighthizer Secretary Hal Kassoff Administrator

9-9-94

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

David Ramsey, Acting Chief Engineering Access Permits

My telephone number is \_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 **Baltimore County Government** Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 09/09/94

Armold Jablon Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Director

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 82,83,84,85 AND 86.

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director Office of Planning and Zoning

DATE: September 15, 1994 SUBJECT: 9117 Snyder Lane

INFORMATION

Petitioner: Property Size:

Zoning:

SUMMARY OF RECOMMENDATIONS:

This parcel is part of the one situated immediately to the south. While this property may still be subdivided it will, however, have to progress through the Development Plan Review Process.

ZAC.84/PZONE/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 19, 1994 Zoning Administration and Development Management

Robert W. Bowling, P.E., Chief Developers Engineering Section

Zoning Advisory Committee Meeting for September 19, 1994 Item No. 84

The Developers Engineering Section has reviewed the subject zoning item. See comments, dated September 6, 1994 from this office for Minor Subdivision Project No. 94163M, 9117 Snyder Lane, Parcel 279, addressing the building setback requirements along the 100-year flood plain.

RWB:sw

#### BALTIMORE COUNTY, MARYLAND

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

September 22, 1994

SEP: 2 8 1980

Mr. Arnold Jablon, Director Zoning Administration and

Development Management

J. Lawrence Pilson TP Development Coordinator, DEPRM

SUBJECT: Zoning Item/#84 - Thomas Property

9117 Snyder Lane

Zoning Advisory Committee Meeting of September 12, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

#### Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains and Forest Conservation Regulations.

JLP:KK:sp

THOMAS/DEPRM/TXTSBP

9117 Snyder Lane, W/S Snyder Lane, 395' N of c/l Joppa Road, 11th Election Dist., 5th Councilmanic

Louis & Ellen Thomas, et al. Petitioners

RE: PETITION FOR VARIANCE

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 95-85-A

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

#### CERTIFICATE OF SERVICE

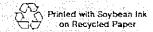
I HEREBY CERTIFY that on this \_\_\_\_\_\_ day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael K. Smith, P. O. Box 5614, Baltimore, MD 21210, representative for Petitioners.

PETER MAX ZIMMERMAN

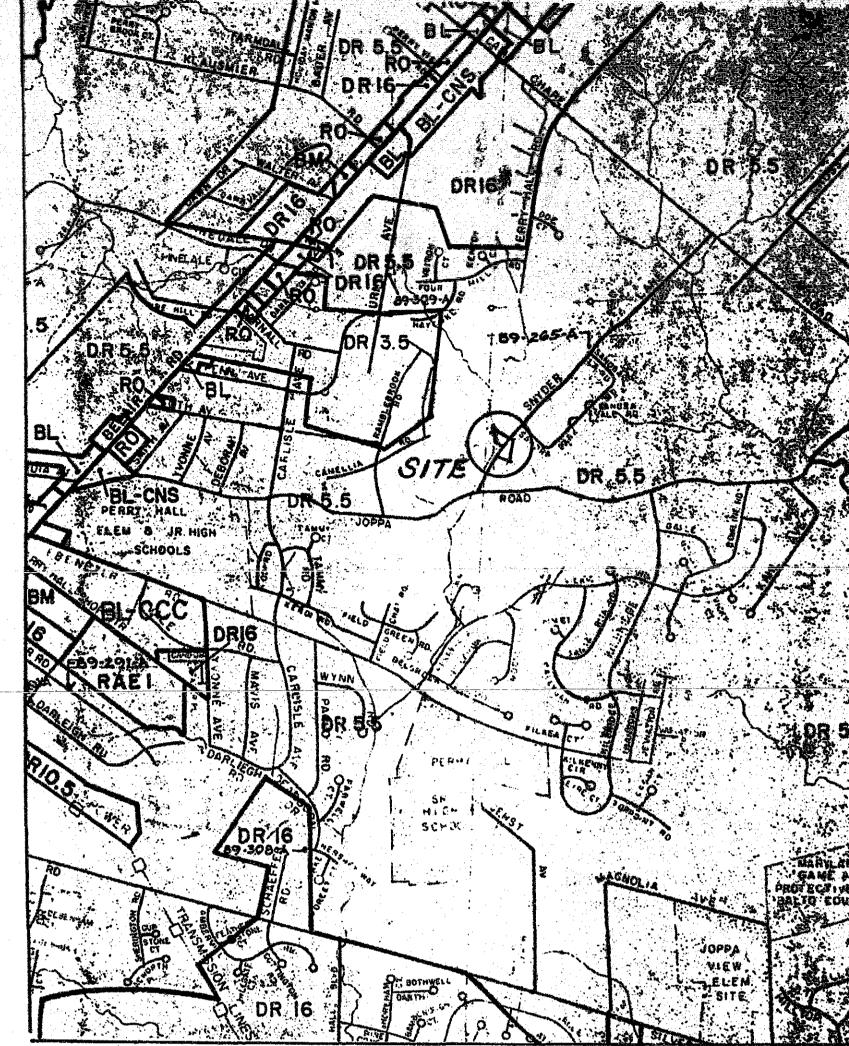
PLEASE PRINT CLEARLY

#### PETITIONER(S) SIGN-IN SHEET

Marka & Contl	ADDRESS  BAS   land technology, inc. P.O. BOX 5614 BALTO 21210
Ellen Thomas	3 Vicky CA In 1 21236 3 cicky CE "
-	



LOUGH 6209-59 BROOKHURST SECTION 2 P.B. S.M. 59-118 VACANT S.M. 10263-239 PARCEL 279 ACC. # 11-1107015601 JOPPA RO. ROAD



LOCATION INFORMATION

Councilmanic District: 5

Election District: 11

1" = 200' scale map #: NE - 10H

Zoning: D.R. 5.5

Lot size: Proposed Lot 1 = 0.21 acres = 9270.17 sq. ft.

Proposed Lot 2 = 0.50 acres = 21564.93 sq. ft.

Proposed R/W area = 0.28 acres = 12245.09 sq. ft.

Total area of parcel 527 = 0.99 acres = 43080.19 sq.ft

Public Sewer and Water available

Lot is not in the Chesapeake Bay Critical Area

No prior zoning hearings

Owners/Developers: Ellen Thomas Louis Thomas Salma Siddique

100 West Road, Suite 220 Towson, MD. 21204 Tele.: 256-9228

Tax Map 72 Grid 9 Parcel 527

Deed Reference: S.M. No. 10263-239

Property Address: 9117 Snyder Lane

BPS / land technology inc.

A & E INC. BALTIMORE 167280

Engineers & Surveyors P.O. BOX 5614

301-43**5-0800** 

Baltimore, Maryland 21210

ELLIDI Nol-

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SCALE: 1" = 50' DATE: SEPT. 2, 1994

	Designed By		
Date	REVISIONS Description	By:	]
			Drawn By
			Diawiiby
			Checked By

9117 SNYDER LANE

11th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 21128

